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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,337	09/01/2005	Dominique Gelus	GELUS 5	3112
1444 7590 07/31/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
RALJS, STEPHEN J				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
07/31/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/547,337

**Applicant(s)**

GELUS ET AL.

**Examiner**

Stephen J. Ralis

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7, 10, 13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 10, 13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant is respectfully requested to provide a location within the disclosure to support any further amendments to the claims due to when filing an amendment an applicant should show support in the original disclosure for new or amended claims. See MPEP § 714.02 and § 2163.06 ("Applicant should specifically point out the support for any amendments made to the disclosure.").

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 June 2008 has been entered.

***Information Disclosure Statement***

4. It is remind that the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by

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the examiner on form PTO-892, they have not been considered (this reminder has been indicated in the previous Office action).

***Response to Amendment/Arguments***

5. Applicant's arguments with respect to claims 1-4, 7, 10, 13 and 16 have been considered but are moot in view of the new ground(s) of rejection as set forth below:

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-4, 7, 10, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuzel et al. (International Publication No. WO 99/37850) or U.S. Patent No. 6,151,815, both in view of Eckert et al. (U.S. Patent No. 5,279,055) (Note: Cuzel et al. (U.S. Patent No. 6,151,815) is utilized as US/English translation equivalency).

Cuzel et al. disclose a steam iron (Title) having a heating soleplate (plate 77; see Figure 15), a steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23), a part (lower half shell 11) having multiple functions constituting at the same time a heat shield (thermal screen) and a skirt of the iron (column 1, lines 46-49; column 2, lines 3-6; see Figures 7, 8), characterized in that the part (lower half shell 11) having multiple functions constitutes at least in part the steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23) above the soleplate (plate 77; see Figure 15).

With respect to the limitation of a part (8) having multiple functions constituting at the same time a heat shield and a skirt (85) of the iron, characterized in that the part (8) having multiple functions constitutes at least in part the steam chamber (3) above the soleplate (2), Cuzel et al. disclose a steam chamber (not shown; column 1, lines 7-12,

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17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23). In addition, Cuzel et al. disclose a part (lower half shelf 11) that performs multiple functions including a heat shield (thermal screen) and a skirt of the iron skirt of the iron (column 1, lines 46-49; column 2, lines 3-6; see Figures 7, 8). Furthermore, Cuzel et al. disclose the part (lower half shelf 11) constituting part of the chambers (29). While Cuzel et al. do not specifically show the steam chamber, Cuzel et al. do disclose preferably vents (62, 63) do not open into a wall provided to form a part of a cavity intended to contain water or *steam*, such as chamber (29) (column 7, lines 65-67). Clearly, Cuzel et al. disclose the part (lower half shelf 11) constituting part of the chamber (29) and the chamber (29) containing water or *steam*. Therefore, since Cuzel et al. disclose the part (lower half shelf 11) performing multiple functions, as noted above, and the part (lower half shelf 11) being part of the chambers (29) that holds water or steam, Cuzel et al. fully meets "a part (8) having multiple functions constituting at the same time a heat shield and a skirt (85) of the iron, characterized in that the part (8) having multiple functions constitutes at least in part the steam chamber (3) above the soleplate (2)" given its broadest reasonable interpretation.

With respect to the limitations of claim 2, Cuzel et al. disclose the steam iron (Title) having a water reservoir (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8) with the a part (lower half shell 11) constituting a bottom of the water reservoir (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8).

With respect to the limitations of claims 3 and 4, Cuzel et al. disclose the part (lower half shell 11) being made of a resin or polyester (column 1, lines 53-55, column 6, lines 5-7).

With respect to the limitations of claims 5, 8, 11 and 14, Cuzel et al. disclose the skirt of the iron forming walls (annular conformations 23, 33) of the steam chamber (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8) and the chamber (29) holding water or steam (column 7, lines 65-67).

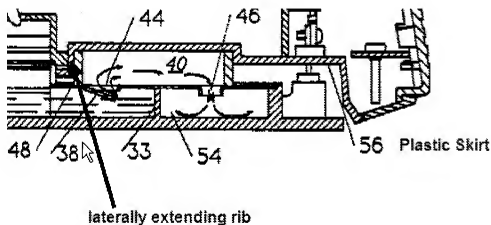
Cuzel et al. also discloses the use of elastomer seals between the upper and lower half shells (12, 11; EPDM; column 2, lines 49-50; column 5, line 66 – column 6, line 4) being used due to its characteristics of being able to withstand temperatures of the order of 100°C to 150°C while retaining elastic characteristics and a substantial compressibility.

Cuzel et al. discloses all of the limitations of the claimed invention, as previously set forth, except for the part having multiple functions further comprising a downwardly extending rib that limits the steam chamber laterally, and the iron further comprises at least one seal between the rib and the soleplate.

However, the part having multiple functions further comprising a downwardly extending rib that limits the steam chamber laterally, and the iron further comprises at least one seal between the rib and the soleplate is known in the art. Eckert et al., for example, teaches a steam iron having a bottom surface of a plastic skirt (56) forming the top of a steam extraction channel (40) comprising a downwardly extending rib that limits the steam chamber laterally (see annotated section of Figure 3 below) and further

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comprising at least one seal (rectangular gasket) between the rib and soleplate (column 4, lines 26-36; see Figure 3).



Eckert et al. further teaches the advantage of such a configuration provides an extremely low cost means for implementing an steam extraction channel. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the steam chamber of Cuzel et al. with the laterally extending rib and sealing thereof means of Eckert et al. in order to provide an extremely low cost means for implementing an steam extraction channel.

With respect to the seal being an elastomer, Cuzel et al. specifically disclose the advantage of utilizing elastomer (EPDM) seals (column 2, lines 49-50; column 5, line 66 – column 6, line 4). Therefore since Cuzel et al. disclose the use of elastomer (EPDM) seals and Eckert et al. teach the use of seal between both the plastic skirt (56) and the intermediate plastic member (20)/soleplate (10), Cuzel et al. in view of Santiago et al.



fully meets "the multifunction part (8) is in contact with the soleplate (2) through elastomer foam seals (84)" given its broadest reasonable interpretation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J Ralis/  
Examiner, Art Unit 3742

/TU B HOANG/  
Supervisory Patent Examiner, Art Unit 3742

Stephen J Ralis  
Examiner  
Art Unit 3742

SJR  
July 23, 2008